HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18883 of 2006

Dated:06.02.2007

Between:

S.Srinivas.

...Petitioner.

and

A.P.Stae Road Transport Corporation and another.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18883 of 2006

ORDER:

The petitioner responded to a notification, dated 23.02.2001, issued by the respondents, for hiring the bus to be run on certain mofussil routes in Khammam District. The petitioner has emerged as the highest bidder for plying the bus from Khamma to Vallabhi and Khammam to Mallaram of four single trips, each. In addition to that, he was required to ply the bus in two singles to Vepakunta, which is at a distance of 14 kilometres. According to the petitioner, the total distance covered by the bus on each day is 368 kilometres, whereas the respondents are paying the charges, calculated on 336 kilometres.

On an earlier occasion, the petitioner approached this Court about this complaint. On a direction issued by this Court, the respondents considered the representations of the petitioner, and ultimately, passed an order, dated 17.03.2005, rejecting the claim of the petitioner. The same is challenged in this writ petition.

The petitioner states that the respondents themselves have deducted the amounts from the bills of the

petitioner, calculated on 368 kilometres per day, whenever the bus was not put on the route, and when it comes to the question of payment of charges, they are treating the distance as 336 kilometres. He further contends that no joint inspection of the route was conducted to arrive at the accurate distance.

On behalf of the respondents, a counter-affidavit is filed denying the allegations of the petitioner. It is stated that the record clearly disclosed that the distance between Khammam and Vallabhi is 37 kilometres, and not 40 kilometres, and Khammam and Mallavaram is 40 kilometres and not 45 kilometres, as alleged by the petitioner. It is urged that the petitioner is being paid hire charges as per the agreed terms and conditions.

Heard Sri D.Krishna Murthy, learned Counsel for the petitioner and Smt.P.Rajani Reddy, learned Standing Counsel for the respondents.

Basically, the writ petition presents a disputed question of fact. There is serious disagreement between the parties, as to the exact distance on which the bus of the petitioner was operated. While according to the petitioner, the distance covered by the bus is 368 kilometres per day, the respondents assert that it is only 336 kilometres. The petitioner ought to have been careful in verifying the distance at the commencement of the contract itself. Almost six years have elapsed and at this stage, it is difficult to undertake the review of the contract.

Be that as it may, if the petitioner is of the view that the distance covered by the bus is more than 336 kilometres, it shall be open to him to approach the Executive Engineer, Roads and Buildings of the concerned area, with a request to certify the exact distance covered

by the bus, per each trip. The Executive Engineer, in turn, shall collect the required charges and undertake necessary verification, duly issuing notice to the respondents. This exercise shall be completed within one month from the date on which the petitioner submits application. The result thereof shall be worked out prospectively from the date of the report.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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Dt.06.02.2007
L.NARASIMHA REDDY, J
GJ

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